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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,809	03/30/2005	Hiroyasu Onuki	44471/314245	6250
23370	7590	10/05/2007		
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER SHAHER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	
			MAIL DATE	DELIVERY MODE
			10/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,809

Applicant(s)

ONUKE, HIROYASU

Examiner

Ricky D. Shafer

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9,11-14 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,9,11-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/2007 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishizaki ('020).

Ishizaki discloses a mirror device for a vehicle comprising a hollow shaft (2) that is provided with a mirror base (1) fixed to a vehicle body, a housing (5) which houses a motor (7) for swinging a mirror unit (3) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (6) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (CP) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted into the housing, and an end portion cover (EP) which extends in a first direction substantially perpendicular to the axial direction of the shaft and has a first end at a tip of the cylindrical portion and a second end at a point which covers a penetration end surface of the shaft (see Fig. 1), wherein the cylindrical portion is rotatable relative to the shaft in such a

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manner as to be in contact with the shaft (see Fig. 1), wherein the end portion cover and the penetration end surface are configured to define a space there between in the axial direction of the shaft, in such a manner as to be free from contact there between, and the first end and second end of the end portion cover are aligned on a line substantially parallel to the axial direction of the shaft, and wherein the shaft defines an inner cylindrical face which extends to the penetration end surface of the shaft, wherein the end portion cover is part of the cover that covers the motor, and wherein the tip of the cylindrical portion (the rounded portion thereof) is inclined toward the shaft in a free-formed state. Note Fig. 1 along with the associated description thereof.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki ('020) in view of Oesterholt et al ('514).

Ishizaki discloses a mirror device for a vehicle comprising a hollow shaft (2) that is provided with a mirror base (1) fixed to a vehicle body, a housing (5) which houses a motor (7) for swinging a mirror unit (3) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (6) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (CP) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted into the housing, and an end portion cover (EP) which extends in a first

direction substantially perpendicular to the axial direction of the shaft and has a first end at a tip of the cylindrical portion and a second end at a point which covers a penetration end surface of the shaft (see Fig. 1), wherein the cylindrical portion is rotatable relative to the shaft in such a manner as to be in contact with the shaft (see Fig. 1), wherein the end portion cover and the penetration end surface are configured to define a space there between in the axial direction of the shaft, in such a manner as to be free from contact there between, and the first end and second end of the end portion cover are aligned on a line substantially parallel to the axial direction of the shaft, and wherein the shaft defines an inner cylindrical face which extends to the penetration end surface of the shaft, wherein the end portion cover is part of the cover that covers the motor, and wherein the tip of the cylindrical portion (the rounded portion thereof) is inclined toward the shaft in a free/formed state, note Fig. 1 along with the associated description thereof, except for explicitly stating that the cylindrical portion and the end portion cover form substantially an L-shape in cross section.

Oosterholt et al teaches it is well known to use covers having a cylindrical portion which extends in an axial direction of a shaft (101) and an end portion cover which extends in a first direction substantially perpendicular to the axial direction of the shaft, wherein the cylindrical portion and the end portion form substantially an L-shape in cross section (see Fig. 4) in the same field of endeavor for the purpose of obtaining a seal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cylindrical portion and the end portion of Ishizaki to include a L-shape configuration in cross section, as taught by Oosterholt et al, in order to reduce space and the manufacturing costs.

6. Claims 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizaki ('020) in view of Oesterholt et al ('514):

Ishizaki discloses a mirror device for a vehicle comprising a hollow shaft (2) that is provided with a mirror base (1) fixed to a vehicle body, a housing (5) which houses a motor (7) for swinging a mirror unit (3) between a use position and a fold position and is turnably supported by the shaft penetrating the housing; and a cover (6) for covering the housing to thereby seal an inside of the housing, wherein the cover includes a cylindrical portion (CP) which extends in the axial direction of the shaft and engages with the outer surface of the shaft when the shaft is inserted into the housing, and an end portion cover (EP) which extends in a first direction substantially perpendicular to the axial direction of the shaft and has a first end at a tip of the cylindrical portion and a second end at a point which covers a penetration end surface of the shaft (see Fig. 1), wherein the cylindrical portion is rotatable relative to the shaft in such a manner as to be in contact with the shaft (see Fig. 1), wherein the end portion cover and the penetration end surface are configured to define a space there between in the axial direction of the shaft, in such a manner as to be free from contact there between, and the first end and second end of the end portion cover are aligned on a line substantially parallel to the axial direction of the shaft, and wherein the shaft defines an inner cylindrical face which extends to the penetration end surface of the shaft, wherein the end portion cover is part of the cover that covers the motor, and wherein the tip of the cylindrical portion (the rounded portion thereof) is inclined toward the shaft in a free/formed state, note Fig. 1 along with the associated description thereof, except for explicitly stating that the end portion extends in a first direction more inwardly than the inner cylindrical face of the shaft.

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Oesterholt et al teaches it is well known to use covers having a cylindrical portion which extends in an axial direction of a shaft (101) and an end portion cover having an inclined tip which extends in a first direction more inwardly than the inner cylindrical face of the shaft, wherein the cylindrical portion and the end portion form substantially an L-shape in cross section (see Fig. 4) in the same field of endeavor for the purpose of obtaining a seal.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end portion cover of Ishizaki to include an end portion cover having an inclined tip which extends in a first direction more inwardly than the inner cylindrical face of the shaft, as taught by Oesterholt et al, in order to prevent debris from entering the motor mechanism.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDS

September 29, 2007


RICKY D. SHAFER
PATENT EXAMINER
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